

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**MAGIK EXTERMINATING;
MATTHEW CARLTON VILLA, OWNER
13715 El Rio Lane
Desert Hot Springs, CA 92240**

and

**MATTHEW CARLTON VILLA
14080 Palm Drive, Ste. D, PMB 505
Desert Hot Springs, CA 92240**

**Field Representative License No. FR 40746
Applicator License No. RA 44916**

Respondent.

Case No. 2013-48

OAH No. 2013070525

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 20, 2014.

It is so ORDERED July 21, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-48

12 **MAGIK EXTERMINATING;**
13 **MATTHEW CARLTON VILLA, Owner**
14 **13715 El Rio Lane**
Desert Hot Springs, CA 92240

OAH No. 2013070525

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **and**

16 **MATTHEW CARLTON VILLA**
17 **14080 Palm Drive, Ste. D, PMB 505**
Desert Hot Springs, CA 92240

18 **Field Representative License No. FR 40746**
19 **Applicator License No. RA 44916**

20 Respondents.

21
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public
23 interest and the responsibility of the Structural Pest Control Board of the Department of
24 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
25 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
26 disposition of the Accusation.

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PARTIES

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2 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
3 Pest Control Board. She brought this action solely in her official capacity and is represented in
4 this matter by Kamala D. Harris, Attorney General of the State of California, by Karen L.
5 Gordon, Deputy Attorney General.

6 2. Matthew Carlton Villa, Owner of Magik Exterminating ("Respondent") is
7 representing himself in this proceeding and has chosen not to exercise his right to be represented
8 by counsel.

9 3. On or about September 18, 2006, the Structural Pest Control Board issued Field
10 Representative License No. FR 40746 to Respondent. The Field Representative License was in
11 full force and effect at all times relevant to the charges brought in Accusation No. 2013-48 and
12 will expire on June 30, 2015, unless renewed.

13 4. On or about December 15, 2005, the Structural Pest Control Board issued Applicator
14 License No. RA 44916 to Respondent. The Applicator License was in full force and effect at all
15 times relevant to the charges brought in Accusation No. 2013-48 and will expire on December 15,
16 2014, unless renewed.

17 5. On or about November 15, 2010, the Structural Pest Control Board issued Company
18 Registration Certificate No. PR 6178 to Magik Exterminating, with Matthew Carlton Villa as 51
19 percent owner. The Company Registration was cancelled on or about January 26, 2012.

JURISDICTION

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21 6. Accusation No. 2013-48 was filed before the Structural Pest Control Board (Board),
22 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
23 and all other statutorily required documents were properly served on Respondent on June 6, 2013.
24 Respondent timely filed his Notice of Defense contesting the Accusation.

25 7. A copy of Accusation No. 2013-48 is attached as Exhibit A and incorporated herein
26 by reference.

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1 the parties, and the Board shall not be disqualified from further action by having considered this
2 matter.

3 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

6 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
11 writing executed by an authorized representative of each of the parties.

12 16. In consideration of the foregoing admissions and stipulations, the parties agree that
13 the Board may, without further notice or formal proceeding, issue and enter the following
14 Disciplinary Order:

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Field Representative License No. FR 40746 issued in
17 Branch 2 to Matthew Carlton Villa, owner of Magik Exterminating (Respondent) and Applicator
18 License No. RA 44916 issued in Branch 2 and 3 to Matthew Carlton Villa, owner of Magik
19 Exterminating (Respondent) are revoked. However, the revocations are stayed and Respondent is
20 placed on probation for three (3) years on the following terms and conditions.

21 1. **Obey All Laws.** Respondent shall obey all Federal, State and local laws along with
22 all laws and rules relating to the practice of structural pest control.

23 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
24 the period of probation.

25 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
26 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
27 of residency or practice outside the state shall not apply to reduction of the probationary period.

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1 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
2 of the decision in Case No. 2013-48 and the terms, conditions and restrictions imposed on
3 Respondent by said decision.

4 Within 30 days of the effective date of this decision, and within 15 days of Respondent,
5 undertaking new employment, Respondent shall cause his employer to report to the Board in
6 writing acknowledging the employer has read the decision in Case No. 2013-48.

7 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
8 decision, post or circulate a notice to all employees involved in structural pest control operations
9 which accurately recite the terms and conditions of probation. Respondent shall be responsible
10 for said notice being immediately available to said employees. "Employees" as used in this
11 provision includes all full-time, part-time, temporary and relief employees and independent
12 contractors employed or hired at any time during probation.

13 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
14 licenses will be fully restored.

15 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
16 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
17 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
18 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
19 final, and the period of probation shall be extended until the matter is final.

20 8. **Random Inspections.** Respondent shall reimburse the Board for 1 random
21 inspection per quarter by Board specialists during the period of probation, not to exceed \$125 per
22 inspection.

23 9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
24 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
25 qualifying manager, or branch office manager of any registered company during the period that
26 discipline is imposed on Field Representative License No. FR 40746 and Applicator License No.
27 RA 44916.

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10. **No Interest In Any Registered Company.** Respondent shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$4,267.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term. Probation shall not be terminated until all costs are paid in full. If Respondent applies for an additional license, the license will be issued under the same terms and conditions.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License and my Applicator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 4/29/14


MATTHEW CARLTON VILLA, Owner
MAGIK EXTERMINATING
Respondent

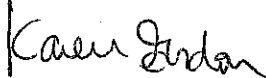
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: May 7, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


KAREN L. GORDON
Deputy Attorney General
Attorneys for Complainant

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